

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE NO. 7:25-mc-0001-M-BM

IN RE:

APPLICATION OF NOVO NORDISK,
A/S, FOR *EX PARTE* ORDER
PERMITTING DISCOVERY FOR USE
IN FOREIGN PROCEEDINGS

**KBP BIOSCIENCES PTE. LTD.’S
MOTION TO FILE UNDER SEAL**

Pursuant to Local Rule 79.2 and Section V.G.1. of the Policy Manual, Intervenor KBP Biosciences Pte. Ltd. (“KBP”) respectfully moves the Court for an Order allowing it to maintain under seal a certain confidential document provisionally filed under seal, which support KBP’s Motion to Vacate Order Granting 28 U.S.C. Section 1782 Application and Quash Subpoenas (the “Motion to Vacate and Quash”). (Dkt. 30.) In support of this Motion, KBP states the following:

1. On March 24, 2025, Novo Nordisk A/S (“Novo” or “Applicant”) filed an *ex parte* application to this Court, pursuant to 28 U.S.C. Section 1782, (Dkt. 1), seeking permission to issue a documentary and testimonial subpoena to Respondent Dr. James McCabe (Dr. McCabe).
2. Novo claims that it needs such discovery from Dr. McCabe in order to maintain two worldwide freezing orders that it obtained, *ex parte*, from the Singapore International Commercial Court of the Republic of Singapore (“Singapore Action”) and the Grand Court of the Cayman Islands (“Cayman Action”) against KBP and its Cayman Islands parent.
3. The Court granted Novo’s application by order on April 2, 2025 (“Order”). (Dkt. 9.)

4. On April 7, 2025, KBP moved to intervene in this action, (Dkt. 12), to protect its confidential information, and to apprise the Court of relevant aspects of the Singapore Action and Cayman Action, which the Court granted on May 7, 2025. (Dkt. 26.)
5. Earlier today, KBP filed its Motion to Vacate and Quash. (Dkt. 30.)
6. In support of its Motion, KBP provisionally filed under seal Novo's Request for Arbitration. (Dkt. 32, Ex. 1-G).
7. Exhibit. 1-G must remain confidential due to the confidentiality provisions in the Asset Purchase Agreement, (Dkt. 31, Ex. 1-C), and the Transition Services Agreement, (Dkt. 31, Ex. 1-D), which require that "neither a Party nor an arbitrator may disclose the existence, content, or results of a Dispute arbitration without the prior written consent of both Parties."
8. On May 11, 2025, KBP attempted to obtain Novo's consent to file the document under seal. Novo refused to consent to the requested relief.
9. The Court "has supervisory power over its own records and may, in its discretion, seal documents if the public's right of access is outweighed by competing interests." *Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178, 180 (4th Cir. 1988).
10. Courts routinely grant motions to seal when the information sought to be sealed is subject to a confidentiality agreement or involve trade secrets and other confidential business information. *See, e.g., Arch Ins. Co. v. Starr Surplus Lines Ins. Co.*, No. 5:21-CV-4-FL, 2021 WL 5287162, at *1 (E.D.N.C. Oct. 28, 2021); *Inventiv Health Consulting, Inc. v. French*, No. 5:18-CV-295-D, 2020 WL 728148 (E.D.N.C. Feb. 12, 2020); *Big Rock Sports, LLC*, 2011 U.S. Dist. LEXIS 35131, at *3-5; *Trapp v. Suntrust Bank*, No. 1:15-CV-937, 2016 U.S. Dist. LEXIS 159862, at *1, *5 (M.D.N.C. Nov. 18, 2016); *Volumetrics Medical*

Imaging, LLC v. Toshiba America Medical Systems, Inc., No. 1:05-cv-955, 2011 U.S. Dist. LEXIS 149809, at *31 (M.D.N.C. Dec. 30, 2011).

11. Due to the requirements of the confidentiality provisions of Exhibits 1-C and 1-D and the requirements of the ICC, there is no reasonable alternative to filing the documents under seal. *See Inventiv Health Consulting Inc.*, No. 5:18-CV-295-D, 2020 WL 728148, at *10.

WHEREFORE, KBP respectfully requests that this Court enter an Order to maintain under seal Exhibit 1-G attached in support to its Motion to Vacate and Quash.

This the 13th day of May, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on May 13th, 2025, I electronically filed the foregoing **KBP BIOSCIENCES PTE. LTD.'S MOTION TO FILE UNDER SEAL** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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